

## AGENDA FOR THE PLAN COMMISSION

Members noticed must notify the person who prepared agenda (see below) at least 24 hours before the meeting as to whether they will not be able to attend this meeting.

**Date and Time:** Tuesday, October 19, 2021 – **5:15 PM**

**Location:** Council Chambers, Municipal Building, 101 South Blvd., Baraboo, Wisconsin

**Member Notices:** M. Palm (Mayor Designee), P. Wedekind, R. Franzen, J. O'Neill, T. Kolb, D. Marshall, and M. Boeggner.

**Others Noticed:** T. Pinion, C. Bradley, Mayor R. Nelson, Dave Mitchell, Tom Greve, Bruce Martin-Wright, Mark Keating, Karen Stanley, Cliff Bobholz, Library, and Media.

### **PETITIONERS OR REPRESENTATIVES MUST BE PRESENT OR SUBJECT WILL NOT BE HEARD BY THE COMMISSION!**

#### **1. Call to Order**

- a. Note compliance with the Open Meeting Law.
- b. Roll Call
- c. Approve agenda.
- d. Approve September 14, 2021 meeting minutes.

#### **2. Public Invited to Speak** (Any citizen has the right to speak on any item of business that is on the Agenda for Commission action if recognized by the presiding officer.)

#### **3. Public Hearings**

- a. Public Hearing to consider the request of D Mitchell LLC for a Conditional Use Permit to convert the existing two-unit residential dwelling on Lot 60 of the Second Addition to Pleasant View subdivision to two side-by-side single-family residential dwellings at 1811/1813 Park View Drive, City of Baraboo, Sauk County, Wisconsin.
- b. Public Hearing to consider the request of TEEL for a Conditional Use Permit to allow outdoor storage in an I-1 Industrial zoning district on Lot 1 of Sauk County Certified Survey Map 4100, located at 500 Industrial Court, City of Baraboo, Sauk County, Wisconsin.
- c. Public Hearing to consider the request of Driftless Glen Properties, LLC for a Conditional Use Permit to use the existing building at 114 Ash Street as an ancillary storage building (rickhouse) to be used for barreled storage of spirits produced by Driftless Glen Distillery, which is located at 300 Water Street, City of Baraboo, Sauk County, Wisconsin.

#### **4. New Business**

- a. Consider the request of D Mitchell LLC for a Conditional Use Permit to convert the existing two-unit residential dwelling on Lot 60 of the Second Addition to Pleasant View subdivision to two side-by-side single-family attached residential dwellings at 1811/1813 Park View Drive, City of Baraboo, Sauk County, Wisconsin.
- b. Review and approve a 2-Lot Certified Survey Map for D Mitchell LLC to create two Side-By-Side Single-Family Attached Dwellings in an R-3 Three- and Four-Family Residential zoning district at 1811/1813 Park View Drive, being Lot 60 of the 2<sup>nd</sup> Addition to Pleasant View subdivision and located in Section 30, T12N, R7E in the City of Baraboo, Sauk County, Wisconsin.

- c. Consider the request of TEEL for a Conditional Use Permit to allow outdoor storage in an I-1 Industrial zoning district on Lot 1 of Sauk County Certified Survey Map 4100, located at 500 Industrial Court, City of Baraboo, Sauk County, Wisconsin.
- d. Consider the request of Driftless Glen Properties, LLC for a Conditional Use Permit to use the existing building at 114 Ash Street as an ancillary storage building (rickhouse) to be used for barreled storage of spirits produced by Driftless Glen Distillery, which is located at 300 Water Street, City of Baraboo, Sauk County, Wisconsin.
- e. Review General Development Plan/Specific Implementation Plan in accordance with Steps 3 & 4 of the Planned Development for Karen Stanley, d/b/a First and Ash LLC, to move the existing Bella Vita Café business from the principal structure to the accessory structure (former carriage house) and convert the 1<sup>st</sup> and 2<sup>nd</sup> floors of the principal structure to a single-family residence with the basement level remaining as a commercial kitchen to serve the Café building at 138 1<sup>st</sup> Street, located on the southwest corner of 1<sup>st</sup> and Ash Streets, in a B-1 Central Business zoning district on part of Lots 2 and 3 of Block 46 of the City of Baraboo, formerly Adams, Wisconsin.
- f. Consider a proposed Zoning Code Amendment to allow a 4-plex to be converted to side-by-side-by-side-by-side single-family attached residential dwellings.

## 5. **Adjournment**

Mike Palm, Mayor Designee

Agenda prepared by Kris Denzer, 355-2730, Ext. 7309

Agenda Posted by Kris Denzer on October 15, 2021

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**PLEASE TAKE NOTICE**, that any person who has a qualifying as defined by the Americans with Disabilities Act that requires the meeting or materials at the meeting to be in an accessible location or format, should contact the Municipal Clerk, 101 south Blvd., or phone 355-2700, during regular business hours at least 48 hours before the meeting so that reasonable arrangements can be made to accommodate each request.

**FOR INFORMATION ONLY, NOT A NOTICE TO PUBLISH.**

## Minutes of Plan Commission Meeting September 14, 2021

**Call to Order** – Mike Palm called the meeting of the Commission to order at 5:15 PM.

**Roll Call** – Present were Mike Palm, Phil Wedekind, Roy Franzen, Jim O'Neill, Tom Kolb, Dee Marshall, and Matthew Boeggner.

Also in attendance were Tom Pinion, Casey Bradley, Mayor Rob Nelson, Dieter Maiwald, Luke Pelton, Cory Pelton, Beth Persche, Parchems, Pat Cannon, Barry Hartup, and James Cotter.

### **Call to Order**

- a. Note compliance with the Open Meeting Law. Mayor Designee Palm noted compliance with the Open Meeting Law.
- b. Agenda Approval: It was moved by Kolb, seconded by Marshall to approve the agenda as posted. Motion carried unanimously.
- c. Minutes Approval: It was stated that Jim O'Neill was present at the meeting and not absent. It was moved by Wedekind, seconded by Franzen to approve the corrected minutes of August 17, 2021 meeting. Motion carried unanimously.

**Public Invited to Speak** (*Any citizen has the right to speak on any item of business that is on the agenda for Commission action if recognized by the presiding officer.*) – Barry Hartup, 402 Lincoln Avenue, spoke on behalf of Powered Up Baraboo, a non-profit group working to help Baraboo reach Economic, Environmental, and citizen health opportunities. He then spoke of the letter sent to the City of Baraboo from Cornerstone Village, LLC outlining the energy efficiencies that they would like to incorporate into the Jackson property development. He said Powered Up Baraboo applauds Cornerstone for being willing to take these measures. He said they would save money for renters, property owners and provide an excellent demonstration to the community of housing that is attractive, cost effective, and efficient. He encourages the City to work with Cornerstone Village, LLC. Powered Up Baraboo would be happy to assist if needed to seek any potential grants.

James Cotter, 907 2<sup>nd</sup> Street addressed the Commission, also representing Powered Up Baraboo. He said that he has some experience personally and worked for a company, which did energy retrofits. He said that he has looked at the information submitted by Cornerstone looks right on target. He said that the areas of concern that could be improved are in the wall and ceiling insulation. He said the other area of concern is air sealing, air sealing goes along with insulation, if air can go through the insulation, it is not working.

### **Public Hearing**

- a. Public Hearing to consider the request of Cave Enterprises Operations, LLC (Owner), and D&L Signs, Inc. (Applicant) for a Conditional Use Permit for an electronic variable message sign to be located at 800 State Road 136, in a B-3 Highway Oriented Business district, City of Baraboo, Sauk County, Wisconsin – There being no speakers, the hearing was declared closed.

### **New Business**

- a. Consider Cave Enterprises Operations, LLC's (Owner), and D&L Signs, Inc.'s (Applicant) request for a Conditional Use Permit for an electronic variable message sign to be located at 800 State Road 136, in a B-3 Highway Oriented Business District, City of Baraboo, Sauk County, Wisconsin – Pinion presented the request to the Commission. Pinion suggested that because this sign is on a State Highway that the DOT standards take priority over the local standards. It was moved by Franzen to approve the request for a Conditional Use Permit for an electronic variable message sign conditioned upon it applying with DOT standards. O'Neill seconded the motion. On roll call for the motion, Ayes – Wedekind, Franzen, O'Neill, Kolb, Marshall, Boeggner, and Palm. Nays – 0, motion carried unanimously.

- b. Review and approve the proposed site plan for Phase 1 of Cornerstone Village LLC's residential development on the former Jackson Property that consists of four 16-unit multi-family residential apartment buildings on the 5.51-acre lot in the northwest corner of said Jackson property, being Lot 1 of CSM No. 7072, City of Baraboo, Sauk County, Wisconsin located at 1606 8<sup>th</sup> Street – Pinion presented the concept plan included in the packet to the Commission along with the CSM. He said that this meeting is the site plan review of Phase 1 of Greenfield Estates. He said this would consist of four 16-unit apartment buildings. It does meet all setbacks required for the zoning district. He said the stormwater management plan is a joint effort between the City and developer and will be presented later; it is not needed for Phase 1. Pelton said that they would like to use white windows with black trim instead of black with white trim. Wedekind asked what roads would be install, Pinion explained to the Commission. He said that the City is working with the DOT to finalize a cooperative agreement to memorialize forever the two public access points. Pinion said later this evening the Council would consider approving contracts for the installation of sanitary sewer and water main from the intersection of Highway T to serve this development. Kolb asked about the bike/pedestrian path to the development. Pinion said that he expects that to be part of the cooperative agreement with the DOT. He said that he does have permits from the DOT that prove installation of the underground utilities but nothing in form of a pedestrian or shared path yet. It was moved by Wedekind, seconded by Marshall to approve the proposed site plan for Phase 1. Palm asked for consideration into the motion that the ceiling will be R49 equipment loaded insulation. Wedekind made that part of his motion. Marshall also made the request part of her second. On roll call vote for the motion, Ayes – Franzen, O'Neill, Kolb, Marshall, Boeggner, Palm, and Wedekind. Nay – 0, motion carried unanimously.

Luke Pelton asked if the window and roof options changed if the Commission wanted that brought before them again. It was said that it did not need to come back to the Commission.

**Adjournment** - It was moved by Wedekind, seconded by O'Neill adjourn at 5:43 p.m. The motion carried unanimously.

Mike Palm  
Mayor Designee

**PLAN COMMISSION ITEM SUMMARY**  
**October 19, 2021**

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**SUBJECT: CONSIDER THE REQUEST OF D MITCHELL LLC FOR A CONDITIONAL USE PERMIT TO CONVERT THE EXISTING TWO-UNIT RESIDENTIAL DWELLING ON LOT 60 OF THE SECOND ADDITION TO PLEASANT VIEW SUBDIVISION TO TWO SIDE-BY-SIDE SINGLE-FAMILY ATTACHED RESIDENTIAL DWELLINGS AT 1811/1813 PARK VIEW DRIVE, CITY OF BARABOO, SAUK COUNTY, WISCONSIN.**

**SUMMARY OF ITEMS A & B:** Dave Mitchell is the owner of the duplex that is currently under construction on this lot and he would like to convert the duplex to two side-by-side single-family attached dwellings so they can be sold separately. A Certified Survey Map that divides the property is also included for your consideration.

**COMPLIANCE/NONCOMPLIANCE:**

Pursuant to Section 17.37 – *Conditional Use Review and Approval*, I have found the application to be complete and have reviewed it for compliance with the ordinance. The proposed side-by-side dwellings satisfy the six requisite conditions of Section 17.37(9)(a), which includes a requirement for the corresponding CSM.

**ACTION: Approve / Deny Conditional Use Permit (with certain conditions?)**

**ACTION: Approve / Conditionally Approve / Deny CSM**

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**SUBJECT: CONSIDER THE REQUEST OF TEEL FOR A CONDITIONAL USE PERMIT TO ALLOW OUTDOOR STORAGE IN AN I-1 INDUSTRIAL ZONING DISTRICT ON LOT 1 OF SAUK COUNTY CERTIFIED SURVEY MAP 4100, LOCATED AT 500 INDUSTRIAL COURT, CITY OF BARABOO, SAUK COUNTY, WISCONSIN.**

**SUMMARY OF ITEM C:** TEEL is a tenant in the former LSC Communications building. They produce plastic conduit that is stored outside on “cable reels”. This product was formerly manufactured and stored at TEEL’s headquarters in Gateway Commerce Park but was relocated to their new location to provide additional production space at their headquarters. TEEL’s location on Industrial Court is zoned I-1 Industrial which requires enclosed storage unless a Conditional Use Permit is obtained pursuant to the following excerpt from Section 17.30 I-1 Industrial District, Enclosed Storage:

(6) ENCLOSURE REQUIREMENTS. All uses, including storage, shall be entirely within enclosed buildings, except as outdoor storage may be permitted by a conditional use permit set forth in §17.37(2)(f), Ordinances. (2243 11/28/2006)

**COMPLIANCE/NONCOMPLIANCE:**

Pursuant to Section 17.37 – *Conditional Use Review and Approval*, I have found the application to be complete and have reviewed it for compliance with the ordinance. The proposed outdoor storage complies with the requisite conditions of Section 17.37(2)(f).

**ACTION: Approve / Deny Conditional Use Permit (with certain conditions?)**

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**SUBJECT: CONSIDER THE REQUEST OF DRIFTLESS GLEN PROPERTIES, LLC FOR A CONDITIONAL USE PERMIT TO USE THE EXISTING BUILDING AT 114 ASH STREET AS AN ANCILLARY STORAGE BUILDING (RICKHOUSE) TO BE USED FOR BARRELED STORAGE OF SPIRITS PRODUCED BY DRIFTLESS GLEN DISTILLERY, WHICH IS LOCATED AT 300 WATER STREET, CITY OF BARABOO, SAUK COUNTY, WISCONSIN.**

**SUMMARY OF ITEM D:** Driftless Glen Distillery and ancillary rickhouse buildings are all located on contiguous property subject to the Conditional Use Permit that the Plan Commission originally approved in 2013. Earlier this year, Driftless Glen requested an Amendment to their CUP and following is an excerpt from those minutes:

114 Ash is an existing building that Driftless Glen has acquired and will be using it as a storage building to compliment the principal use of the distillery. He said even though it is off premise it is really an accessory structure to that principal building across the alley..... Kolb asked Pierce if there was a plan to do anything with the front of the property that was purchased. Pierce said that the building will definitely receive a facelift and there was some talk on the south side of that building facing the alley of the possibility of some type of mural. He said at the very least it would get a fresh coat of paint. Kolb suggested working with the Baraboo Public Art Association..... It was moved by Kolb to approve the amendment to the existing conditional use permit.....and paint the south wall of the (114 Ash St) storage building roughly the same color as the Rick House, pending a joint project with Baraboo Public Arts. Wedekind seconded the motion..... motion carried 7-0.

During the interim, the proposed use of the building at 114 Ash Street has changed from general storage to more of a rickhouse, which constitutes a change in use and requires State-approved plans. And it was determined that the original Conditional Use Permit could not be amended to include non-contiguous property.

**COMPLIANCE/NONCOMPLIANCE:**

Pursuant to Section 17.37 – *Conditional Use Review and Approval*, I have found the application to be complete and have reviewed it for compliance with the ordinance.

**ACTION: Approve / Deny Conditional Use Permit (with certain conditions?)**

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**SUBJECT: REVIEW GENERAL DEVELOPMENT PLAN/SPECIFIC IMPLEMENTATION PLAN IN ACCORDANCE WITH STEPS 3 & 4 OF THE PLANNED DEVELOPMENT FOR KAREN STANLEY, D/B/A FIRST AND ASH LLC, TO MOVE THE EXISTING BELLA VITA CAFÉ BUSINESS FROM THE PRINCIPAL STRUCTURE TO THE ACCESSORY STRUCTURE (FORMER CARRIAGE HOUSE) AND CONVERT THE 1<sup>ST</sup> AND 2<sup>ND</sup> FLOORS OF THE PRINCIPAL STRUCTURE TO A SINGLE-FAMILY RESIDENCE WITH THE BASEMENT LEVEL REMAINING AS A COMMERCIAL KITCHEN TO SERVE THE CAFÉ BUILDING AT 138 1<sup>ST</sup> STREET, LOCATED ON THE SOUTHWEST CORNER OF 1<sup>ST</sup> AND ASH STREETS, IN A B-1 CENTRAL BUSINESS ZONING DISTRICT ON PART OF LOTS 2 AND 3 OF BLOCK 46 OF THE CITY OF BARABOO, FORMERLY ADAMS, WISCONSIN.**

**SUMMARY OF ITEM E:** The applicant would like to modify the use of her existing property at 138 1<sup>st</sup> Street. She has provided a detailed description of their proposed use as well as building elevations and proposed floor plans for this proposed project, all of which are included in the packet.

**COMPLIANCE/NONCOMPLIANCE:**

Pursuant to Section 17.36B – *Planned Unit Developments*, I have found the application to be complete and have reviewed it for compliance with the ordinance.

**ACTION: Approve/Conditionally Approve/Deny the GDP/SIP.**

**ACTION: Forward to Common Council for a Public Hearing on the Re-Zoning with a recommendation to Approve the Planned Development overlay district.**

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**SUBJECT: CONSIDER A PROPOSED ZONING CODE AMENDMENT TO ALLOW A 4-PLEX TO BE CONVERTED TO SIDE-BY-SIDE-BY-SIDE-BY-SIDE SINGLE-FAMILY ATTACHED RESIDENTIAL DWELLINGS.**

**SUMMARY OF ITEM F:** The Jackson Farm development plans include six four-plex buildings that the Developer would like to convert to four side-by-side-by-side-by-side single-family attached residential dwellings so each of the four units could be sold independently. Currently duplex buildings can be converted to side-by-side single-family attached dwellings with a Conditional Use. Since the current Zoning Code does not provide for such a conversion, the Commission can recommend an amendment to the Zoning Code. I have included several excerpts from the Zoning Code identifying the specific provisions that would need to be modified that would still require approval of a Conditional Use.

Alternatively, the Plan Commission can consider these on a case-by-case basis by way of a Planned Development Overlay zoning.

Either way can work; the CUP process happens to be much quicker than the PUD process, for whatever that's worth.

**ACTION: Decide to amend the Zoning Code or utilize the PUD Zoning Overlay instead.**

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For Office Use:	Date		Date
<input type="checkbox"/> Application given by _____	_____	<input type="checkbox"/> Referred to Council	_____
<input type="checkbox"/> Received by Bldg. Inspector	_____	<input type="checkbox"/> Public Hearing Set	_____
<input type="checkbox"/> Fee received by Treasurer	_____	<input type="checkbox"/> Date Notices Mailed	_____
<input type="checkbox"/> Building Insp. Certified	_____	<input type="checkbox"/> Public Hearing Published	_____
<input type="checkbox"/> Filed with City Clerk	_____	<input type="checkbox"/> Public Hearing Held	_____
<input type="checkbox"/> Referred for Staff Review	_____	<input type="checkbox"/> Plan Meeting Action	_____

**City of Baraboo**  
 101 South Blvd.  
 Baraboo, WI 53913  
 (608) 355-2730 phone  
 608 355-2719 fax

### APPLICATION FOR CONDITIONAL USE PERMIT

(A non-refundable fee must accompany this application upon filing. - \$250 if public hearing required, or \$100 if no public hearing required.)

#### FOR TREASURER USE ONLY

Receipt # \_\_\_\_\_

Account # 100-22-4440

Date of Petition: 9-30-2021

The undersigned, being all the owners of the real property covered by this conditional use request hereby petition the City of Baraboo Plan Commission as follows:

1. Name and address of each owner: (Please attach additional pages as necessary.)

D Mitchell LLC  
PO 102  
Baraboo, WI 53913

2. Name and address of applicant if not an owner. Describe interest in site (if tenancy, attach copy of current lease):

\_\_\_\_\_  
 \_\_\_\_\_

3. Address of site: 1811 - 1813 Parkview

4. Tax parcel number of site: 206 - 2883 - 36000

5. Accurate legal description of site (state lot, block and recorded subdivision or metes and bounds description) (Attach copy of owner's deed):

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

6. Present zoning classification: \_\_\_\_\_

7. Requested conditional use: 2nd Lot Line

\_\_\_\_\_  
 \_\_\_\_\_

8. Brief description of each structure presently existing on site:

Duplex Being Constructed

9. Brief description of present use of site and each structure on site:



10. Brief description of any proposed change in use of structures if request for conditional use is granted:  
(include change in number of employees on site)

From Duplex to 2000 Lot Liner

11. The following arrangements have been made for serving the site with municipal sewer and water:

Municipal

12. Name, address, and tax parcel number of the owners of each parcel immediately adjacent to the boundaries of the site and each parcel within 200 feet including street and alley right-of-way of each exterior boundary of the site (see section 17.37(3)(a) of City Code.)

13. A scale map or survey map must be attached showing the following: (Note: This section is not required for home occupation requests; skip to 14.) (see section 17.37(2)(a) of City Code.)

- Location, boundaries, dimensions, uses, and size of the site and structures and its relationship to adjoining lands.
- The approximate location of existing structures on the site, easements, streets, alleys, off street parking, loading areas and driveways, highway access and access restrictions, existing street, side and rear yards, proposed surface drainage, grade elevations.

14. State in detail, the evidence indicating proof that the proposed conditional use shall conform to each of the standards for conditional uses set forth in section 17.37(2)(b) of the City Zoning Code.

Established neighboring Duplex

WHEREFORE, the undersigned property owners hereby state that the foregoing information and all attachments to this Petition are true and correct to the best of our knowledge.

Notice to Property Owner: Conditional use permits, if granted, are subject to a 10 day appeal waiting time.

Dated this 30 day of September, 2021

[Signature]  
Property owner

\_\_\_\_\_  
Property owner

I certify that that I have reviewed this application for completeness.

Date: \_\_\_\_\_ Zoning Administrator: \_\_\_\_\_

**OWNER/CLIENT:** D MITCHELL LLC  
P.O. BOX 102  
BARABOO, WI 53913

As prepared by:

**G GROTHMAN**  
& ASSOCIATES S.C.  
LAND SURVEYORS

625 EAST SLIFER STREET, P.O. BOX 373 PORTAGE, WI. 53901  
PHONE: PORTAGE: (808) 742-7788 SAUK: (808) 644-8877  
FAX: (808) 742-0434 E-MAIL: [surveying@grothman.com](mailto:surveying@grothman.com)  
(RED LOGO REPRESENTS THE ORIGINAL MAP)

G & A FILE NO. 921-592



DRAFTED BY: T. KASPER

CHECKED BY: TG

PROJ. 316-109

DWG. 921-592 SHEET 2 OF 2

SEAL:



**SAUK COUNTY CERTIFIED SURVEY MAP NO.**  
**GENERAL LOCATION**

Volume \_\_\_\_\_, Page \_\_\_\_\_

**LOT 60, SECOND ADDITION TO PLEASANT VIEW, LOCATED IN THE FRACTIONAL W1/2 OF THE SW1/4, SECTION 30, T. 12 N, R. 7 E, CITY OF BARABOO, SAUK COUNTY, WISCONSIN.**

CONTAINING: 14,500 SQ.FT. (0.33 ACRES)

**SURVEYOR'S CERTIFICATE**

I, **THOMAS L. GREVE**, Professional Land Surveyor, do hereby certify that by the order of **D Mitchell LLC**, I have surveyed, monumented, mapped and divided Lot 60, Second Addition to Pleasant View located in the fractional West Half of the Southwest Quarter of Section 30, Town 12 North, Range 7 East, City of Baraboo, Sauk County, Wisconsin, described as follows:

Beginning at the Northwest corner of Lot 60, said point being in the East right-of-way line of Taft Avenue;  
thence South 89°04'49" East along the North line of Lot 60, 129.24 feet to the Northeast corner of Lot 60, said point being on the West right-of-way line Park View Drive;  
thence South 00°25'21" West along the East line of Lot 60 and the West right-of-way line of Park View Drive, 112.20 feet to the Southeast corner of Lot 60;  
thence North 89°04'49" West along the South line of Lot 60, 129.24 feet to the Southwest corner of Lot 60, said point being in the East right-of-way line of Taft Avenue;  
thence North 00°25'22" East along the West line of Lot 60 and the East right-of-way line of Taft Avenue, 112.20 feet to the point of beginning.

Containing 14,500 square feet (0.33 acres), more or less. Being subject to servitudes and easements of record, if any.

I DO FURTHER CERTIFY that this is a true and correct representation of the boundaries of the land surveyed and that I fully complied with the Provisions of AE7 Wisconsin Administrative Code, Chapter 236.34 of the Wisconsin State Statutes and the City of Baraboo Subdivision Ordinance to the best of my knowledge and belief.

**THOMAS L. GREVE**

Professional Land Surveyor, No. 2226

Dated: September 28, 2021

File No.: 921-592

**PLAN COMMISSION RESOLUTION**

**RESOLVED** that this Certified Survey Map in the **City of Baraboo**, Sauk County, Wisconsin is hereby approved by the Plan Commission.

\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**City Engineer**

\_\_\_\_\_  
**Date**

I HEREBY certify that the foregoing is a copy of a Resolution adopted by the Plan Commission of the **City of Baraboo**, Wisconsin, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
**City Clerk**

\_\_\_\_\_  
**Date**

**OWNER/CLIENT:** D MITCHELL LLC  
P.O. BOX 102  
1020 8th STREET  
BARABOO, WI 53913





For Office Use:	Date		Date
<input type="checkbox"/> Application given by _____	_____	<input type="checkbox"/> Referred to Council	_____
<input type="checkbox"/> Received by Bldg. Inspector	_____	<input type="checkbox"/> Public Hearing Set	_____
<input type="checkbox"/> Fee received by Treasurer	_____	<input type="checkbox"/> Date Notices Mailed	_____
<input type="checkbox"/> Building Insp. Certified	_____	<input type="checkbox"/> Public Hearing Published	_____
<input type="checkbox"/> Filed with City Clerk	_____	<input type="checkbox"/> Public Hearing Held	_____
<input type="checkbox"/> Referred for Staff Review	_____	<input type="checkbox"/> Plan Meeting Action	_____

**City of Baraboo**  
**101 South Blvd.**  
**Baraboo, WI 53913**  
 (608) 355-2730 phone  
 608 355-2719 fax

## APPLICATION FOR CONDITIONAL USE PERMIT

(A non-refundable fee must accompany this application upon filing. -\$250 if public hearing required, or \$100 if no public hearing required.)

### FOR TREASURER USE ONLY

Receipt # \_\_\_\_\_

Account # 100-22-4440

Date of Petition: 09-29-2021

The undersigned, being all the owners of the real property covered by this conditional use request hereby petition the City of Baraboo Plan Commission as follows:

1. Name and address of each owner: (Please attach additional pages as necessary.)

Driftless Glen Properties LLC  
 \_\_\_\_\_  
 300 Water Street  
 \_\_\_\_\_  
 Baraboo, WI 53913  
 \_\_\_\_\_

2. Name and address of applicant if not an owner. Describe interest in site (if tenancy, attach copy of current lease):

Brannin Gries, Gries Architectural Group, Inc.  
 \_\_\_\_\_  
 500 N. Commercial Street, Neenah, WI 54956  
 \_\_\_\_\_

3. Address of site: 114 Ash Street, Baraboo, WI 53913

4. Tax parcel number of site: 1757-00000

5. Accurate legal description of site (state lot, block and recorded subdivision or metes and bounds description) (Attach copy of owner's deed): \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

6. Present zoning classification: B-1 located in the Conditional Use Overlay District

7. Requested conditional use: Change of Occupancy Classification from Storage (S) to Hazardous (H-3) Use Classification.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

8. Brief description of each structure presently existing on site:

Load bearing concrete masonry unit walls, steel joist and metal desk roof assembly. International Building Code Type IIIB  
 Construction. Area of building = 3,470 gross square feet.  
 \_\_\_\_\_  
 \_\_\_\_\_

9. Brief description of present use of site and each structure on site:



10. Brief description of any proposed change in use of structures if request for conditional use is granted: (include change in number of employees on site)

Building will be used as warehouse storage for approximately 18,000 gallons of distilled spirits. No change in number of employees on site.

11. The following arrangements have been made for serving the site with municipal sewer and water:

N/A

12. Name, address, and tax parcel number of the owners of each parcel immediately adjacent to the boundaries of the site and each parcel within 200 feet including street and alley right-of-way of each exterior boundary of the site (see section 17.37(3)(a) of City Code.)

13. A scale map or survey map must be attached showing the following: (Note: This section is not required for home occupation requests; skip to 14.) (see section 17.37(2)(a) of City Code.)

- a. Location, boundaries, dimensions, uses, and size of the site and structures and its relationship to adjoining lands.
- b. The approximate location of existing structures on the site, easements, streets, alleys, off street parking, loading areas and driveways, highway access and access restrictions, existing street, side and rear yards, proposed surface drainage, grade elevations.

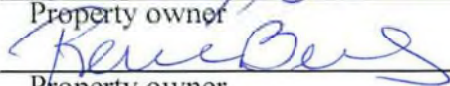
14. State in detail, the evidence indicating proof that the proposed conditional use shall conform to each of the standards for conditional uses set forth in section 17.37(2)(b) of the City Zoning Code.

WHEREFORE, the undersigned property owners hereby state that the foregoing information and all attachments to this Petition are true and correct to the best of our knowledge.

Notice to Property Owner: Conditional use permits, if granted, are subject to a 10 day appeal waiting time.

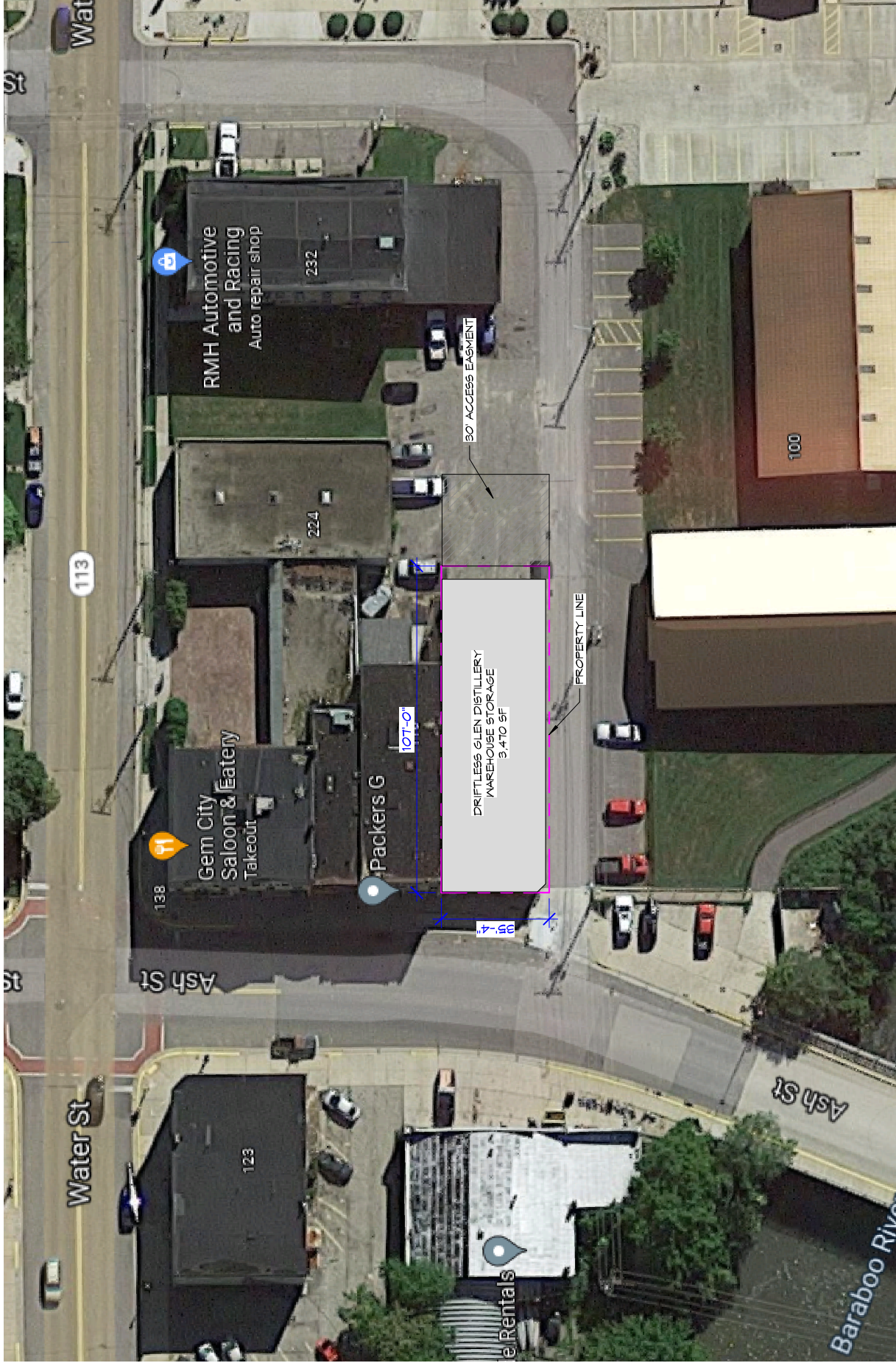
Dated this 29th day of September, 20 21.

  
Property owner

  
Property owner

I certify that that I have reviewed this application for completeness.

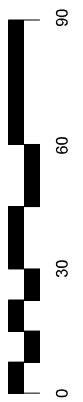
Date: \_\_\_\_\_ Zoning Administrator: \_\_\_\_\_



# SITE PLAN

1  
A-0.1

1" = 30'-0"



A-0.1

date: 08-31-2021  
job: 21-068  
d. by: NML  
rev.:

CHANGE OF OCCUPANCY  
DRIFTLESS GLEN  
DISTILLERY  
BARABOO, WISCONSIN

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Neenah, Wisconsin 54956  
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For Office Use:	Date		Date
<input type="checkbox"/> Application given by _____	_____	<input type="checkbox"/> Notices Mailed by _____	_____
<input type="checkbox"/> Fee received by Treasurer _____	_____	<input type="checkbox"/> Public Hearing Published by _____	_____
<input type="checkbox"/> Filed with City Clerk _____	_____	<input type="checkbox"/> Plan Commission Held _____	_____
<input type="checkbox"/> Zoning Administrator Certification _____	_____	<input type="checkbox"/> Public Hearing Held _____	_____
<input type="checkbox"/> Referred for Staff Review _____	_____	<input type="checkbox"/> Council Action _____	_____
<input type="checkbox"/> Public Hearing Set _____	_____		

**City of Baraboo**  
 101 South Blvd.  
 Baraboo, WI 53913  
 (608) 355-2720 phone  
 (608) 355-2719 fax

## PETITION FOR ZONING CHANGE

(A non-refundable \$250 fee must accompany this application upon filing.)

Date of Petition: 10/1/21

FOR TREASURER USE	<b>PAID</b>
Receipt # _____	
Account # 100-22-4440	<b>OCT 01 2021</b>

The undersigned, being all the owners of the real property covered by this zoning change request, hereby petition the City of Baraboo Plan Commission and Common Council as follows:

- Name and address of each owner: KAREN STANLEY (FIRST AND ASH, LLC)  
138 1<sup>st</sup> STREET, BARABOO, WI
- Address of site: 138 1<sup>st</sup> STREET
- Tax parcel number of site: 1703-00000
- Accurate legal description of site (state lot, block, and recorded subdivision or metes and bounds description) (Attach copy of owner's deed): 21519 WARRANTY DEED # 1176848  
SE-SE, SECT. 35, T12N, R6E  
S 25-12-6 PRT SE 1/4 SE 1/4 CITY OF BARABOO N 87' OF LOT 2 BLK E 6' INCL. N 107'  
OF THE E 28' OF LOT 3 BLK 46
- Present zoning classification: B1
- Requested zoning change: PLANNED UNIT DEVELOPMENT (PUD) ZONING
- Brief description of structures presently existing on site (include photos): MAIN HOUSE  
(2 STORY AND WALKOUT BASEMENT) AND OUTBUILDING (CARRIAGE HOUSE)
- Brief description of present use of site and structures thereon: MAIN BUILDING CAFE / COFFEE  
SHOP / BAKERY OUTBUILDING (CARRIAGE HOUSE) STORAGE
- Brief description of any proposed change in use or structures if request for zoning change is granted (include change in number of employees): MAIN HOUSE - CHANGE FROM 3 FLOORS  
COMMERCIAL TO 2 FLOORS RESIDENTIAL (MAIN FLOOR + 2<sup>nd</sup> STORY) AND  
BASEMENT LEVEL TO REMAIN COMMERCIAL. CARRIAGE HOUSE WOULD  
REMAIN COMMERCIAL AND BECOME CAFE / COFFEE SHOP RETAIL
- The following arrangements have been made for serving the site with municipal sewer and water:  
AT PRESENT - CONNECT MAIN HOUSE WATER / SEWER TO  
CARRIAGE HOUSE



11. Name, address, and tax parcel number of all owners of each parcel immediately adjacent to the boundaries of the site and extending 200 feet from and all the owners of the land directly opposite from the site extending 200 feet from the street frontage of such opposite land. (see section 17.11(1)(c) and City Code).
12. A scale map or survey showing the location, boundaries, dimensions, uses, and size of the site and its relationship to adjoining lands is attached. The map or survey shows the approximate location of existing structures, easements, streets, alleys, loading areas and driveways, off street parking, highway access and access restrictions, existing street, side and rear yards, surface water drainage, grade elevations and the location and use of any lands immediately adjacent to each of the boundaries of the site and extending 200 feet, plus the location of any existing structures on each such identified parcel. The name and address of each owner is attached.
13. A statement with supporting evidence indicating that the proposed zoning change or special zoning exception shall conform to the purpose, intent, spirit and regulations of the Zoning Code.

WHEREFORE, the undersigned property owners hereby state that the foregoing information and all attachments to this Petition are true and correct to the best of our knowledge.

Dated this 10/1/21 <sup>1st</sup> day of OCTOBER, 2021.

Property Owner

KAREN STANLEY



Property Owner

Property Owner

Property Owner

I have reviewed this application for completeness:

Date: \_\_\_\_\_

Zoning Administrator: \_\_\_\_\_

October 01, 2021

Committee Members,

In February 2019, I purchased the 3 story Ruel property on the corner of 1<sup>st</sup> and Ash Street in downtown Baraboo, two blocks south of the square behind the Civic Center. I renovated the office space and converted it to a fast casual (counter service) coffee shop bakery called Bella Vita Café. We opened in July 2019 and enjoyed a busy, successful business for 8 months... and then Covid hit. We closed for several weeks, and reopened in May 2020 with limited service (take out only) offering no indoor seating. Today, 18 months later, I still rely heavily on our ample outdoor seating areas as many customers are more comfortable with this option. The pandemic has definitely changed my business operation model.

I sold my home in 2021 and am looking to move with my three daughters into the main building, currently the café, converting 138 1<sup>st</sup> Street into a residence. Specifically, the first and second floor would be our principal residence, and the lower walkout basement level would remain commercial. This lowest level has 4 exit doors and would continue to be the commercial kitchen, food storage area and dish room. I would separate the commercial and residential with a 2hr fire rated assembly, complying with the building and fire code.

The commercial outbuilding, a 2-story Carriage House on the property, would be renovated and converted to the primary delivery service for the coffee shop and bakery. All food would be assembled in the commercial kitchen of the main building and taken to the Carriage House (now café) for selling. We would provide indoor seating and one ADA compliant bathroom, as well as expanded outdoor seating on a newly constructed deck that connects to the main building.

I believe this new configuration will be beneficial to customers (as the Carriage House will be a separate structure from the main house and lessen any confusion over what is residential and what is a business) and of course beneficial to me and my family as we'll be living on-site of my business. I am seeking approval to convert the beautiful, historic 1881 Ruel property back to a single-family home (on two levels) and retain the basement level as a commercial kitchen space, allowing the preparation of food and bakery to sell through the Carriage House (renovated as the café). I believe this will allow me to best continue operating a successful business in the downtown B1 district.

Thank you for your consideration,



Karen Stanley

Bella Vita Café, LLC  
138 1<sup>st</sup> Street  
Baraboo, WI 53913  
608.444.8173

BARABOO  
CIVIC  
CENTER  
# 1605  
CITY of BARABOO  
101 SOUTH BVD.

ASH  
STREET

# 1643  
THOME PROPERTIES  
330 13th ST.

# 1644  
DENNIS  
WAGNER  
203 1st ST.

# 1645  
BIG BADGER  
PROPERTY  
PO BOX 24  
MT. HOLEB

1st STREET

1st STREET

# 1705  
STEPHANIE

# 1703

PETER PARKER  
# 1706  
314 6th AVE

# 1742  
PETER PARKER  
314 6th AVE

# 1702  
BRANDON  
POWENDORF  
SS352 SLEEPY  
HOLLOW RD.

# 1741  
BRANDON  
POWENDORF  
SS352 SLEEPY  
HOLLOW RD.

ASH  
STREET

PEMBERTON #  
ENGUND  
# 1718  
315 BROADWAY

# 1719  
DEVON ZOPPIE  
SS476 DUNBAR  
GLEN

# 1739  
DEVIN ZOPPIE  
SS476 DUNBAR  
GLEN RD

WATER STREET

# 1748  
JON HUMER  
54449 CORNFIELD

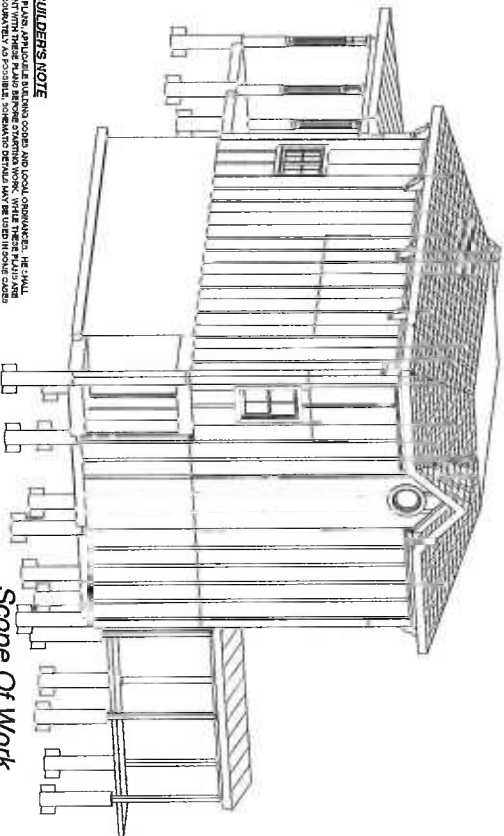
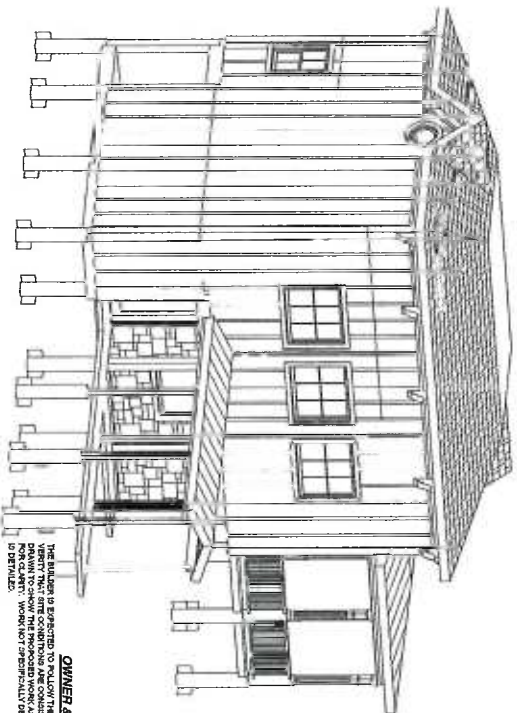
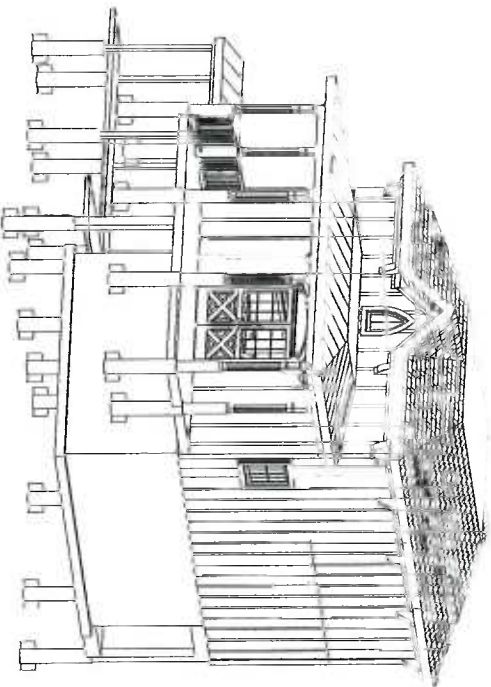
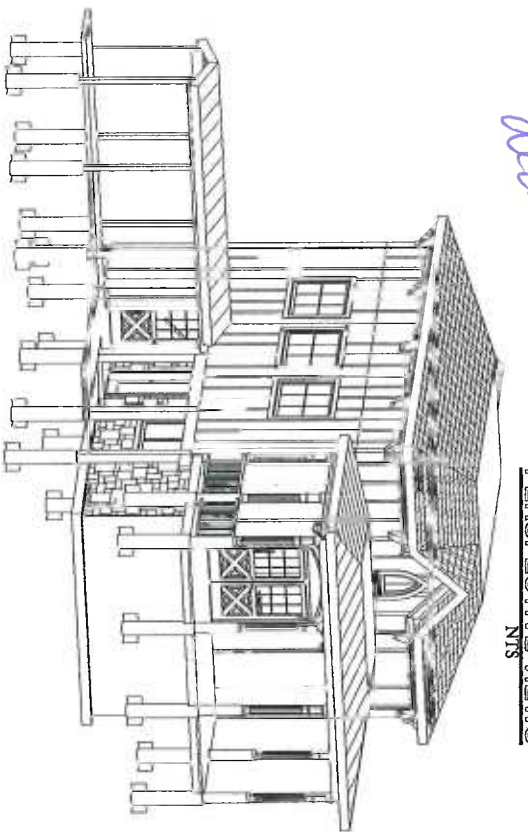
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GLEN BICKNEU  
E10791 CONKES RD

# 1754  
JAS D PROPERTY  
S12 11th ST

# 1755

RENDERINGS ARE FOR VISUALIZATION PURPOSES ONLY. ACTUAL COLORS, TEXTURES, & FINISH MATERIALS MAY VARY. SEE FLOOR PLANS, ELEVATIONS & SPECIFICATIONS FOR GREATER DETAIL.

## PERSPECTIVE VIEWS

**OWNER & BUILDER'S NOTE**

The following documents submitted to the editorial board (abstracts, discussion, conclusions) will be reviewed by the editorial board and the editorial board will be responsible for the final decision on the acceptance or rejection of the manuscript. The editorial board will be responsible for the final decision on the acceptance or rejection of the manuscript. The editorial board will be responsible for the final decision on the acceptance or rejection of the manuscript.

## Scope Of Work

EXCAVATION FOR AND CONSTRUCTION OF NEW BUILDING STRUCTURE TO INCLUDE DEMOLITION AND REMOVAL OF ANY EXISTING STRUCTURES AND/OR OBSTRUCTIONS IN THE PROPOSED BUILDING SITE (SEE PLOT PLAN).

DATE: 3-22-21	
SHEET NO.	
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**CLIENT:**

**BELLA VITA CAFE**  
BARABOO, WI

**SHEET TITLE:**

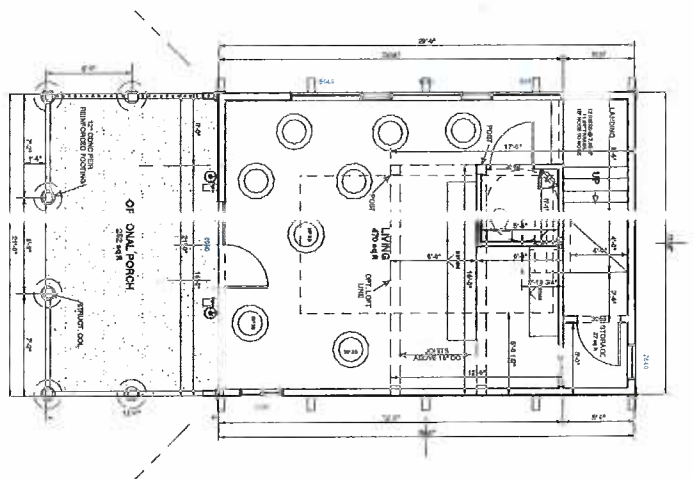
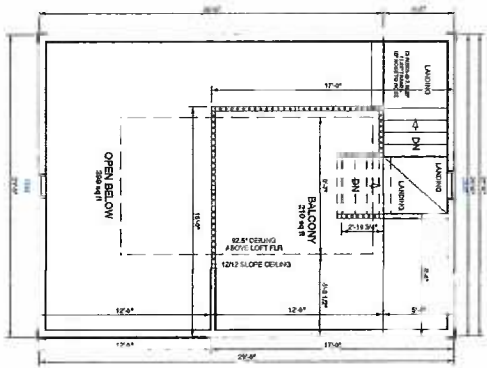
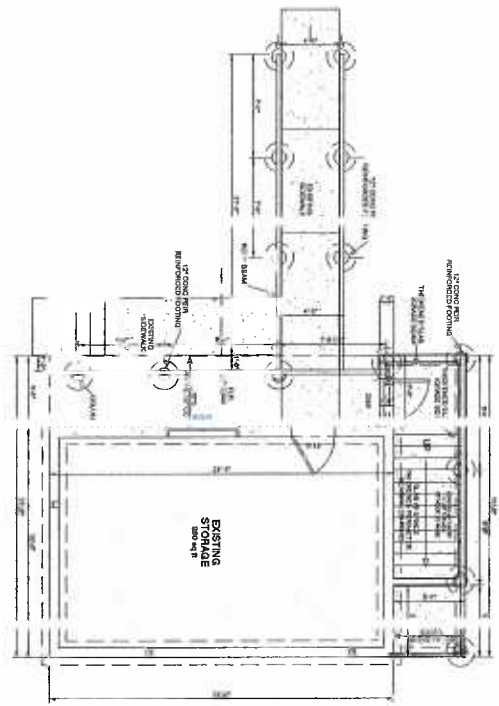
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## DRAWING INDEX

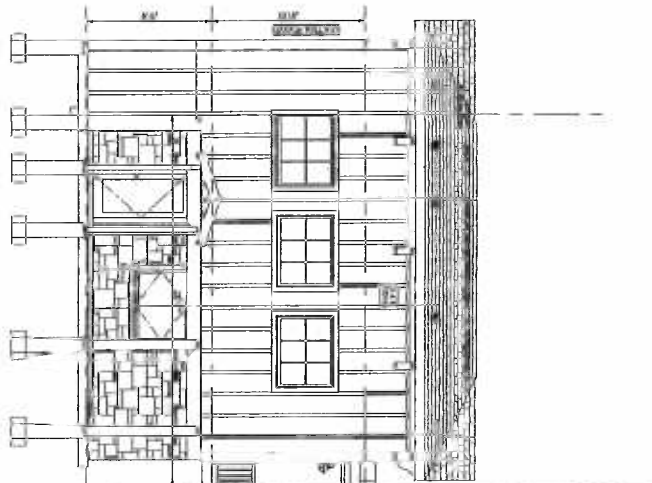
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A-2 OMITTED  
A-3 FOUNDATION & FLOOR PLAN  
A-4 ELEVATIONS  
A-5 PROPOSED ROOF PLAN



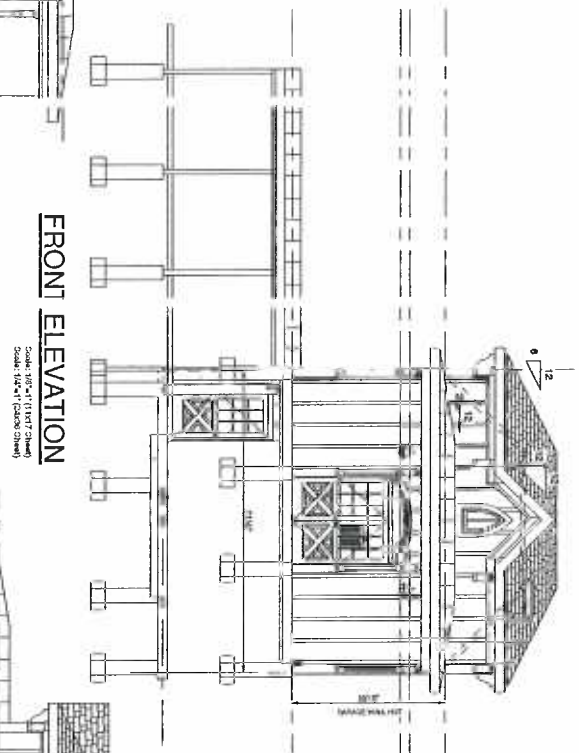




	<p>CLIENT: <b>BELLA VITA CAFE</b> BARABOO, WI</p>	
	<p>SHEET TITLE: <b>FOUNDATION / FLOOR PLAN</b></p>	
<p><b>DRAWING INDEX</b></p> <p>A-1 TITLE PAGE A-2 COVER A-3 OVERLAYS A-4 FOUNDATION &amp; FLOOR PLAN A-5 ELEVATIONS A-6 PLUMBING &amp; MECHANICAL</p>		
<p>DATE: 10/21/2011 DESIGNER: JRM CHECKER: JRM DATE: 10/21/2011</p>		
<p>OWNER: BELLAVITA CAFE PROJECT NO: 1011 CITY: BARABOO, WI STATE: WI FIRM: C DESIGN &amp; CONSTRUCTION, INC.</p>		



Coarse: 1/8" = 1" (14x17 Sheet)  
 Coarse: 1/4" = 1" (24x36 Sheet)



Scale: 1/8"=1' (11x17 Sheet)  
Scale: 1/4"=1' (24x36 Sheet)

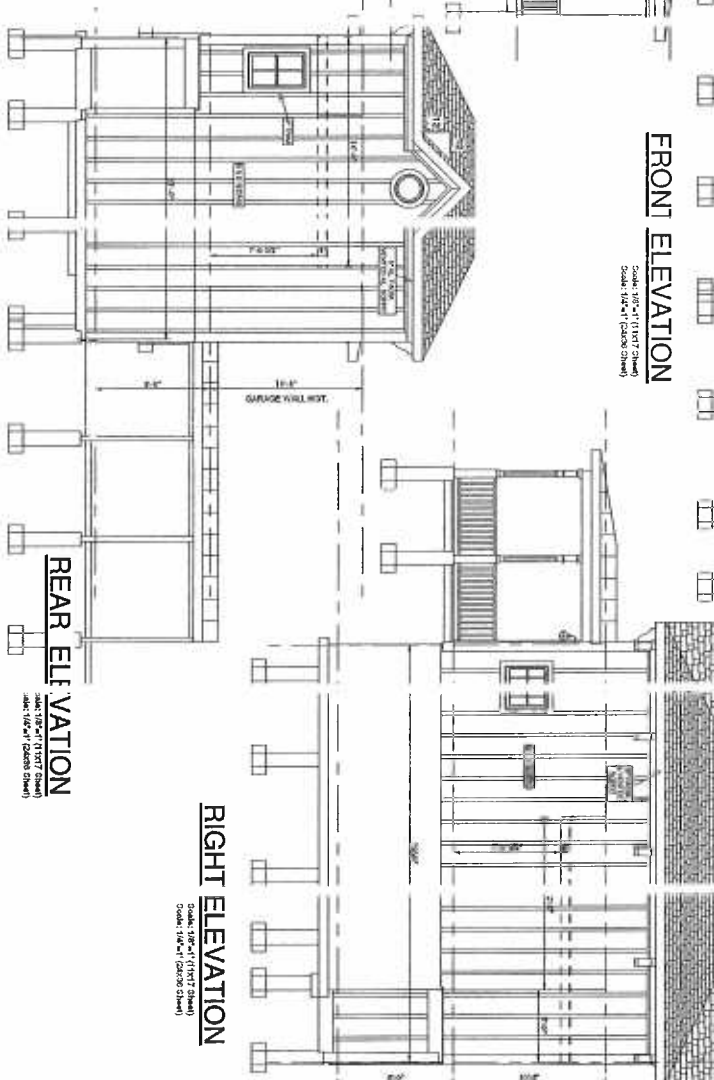
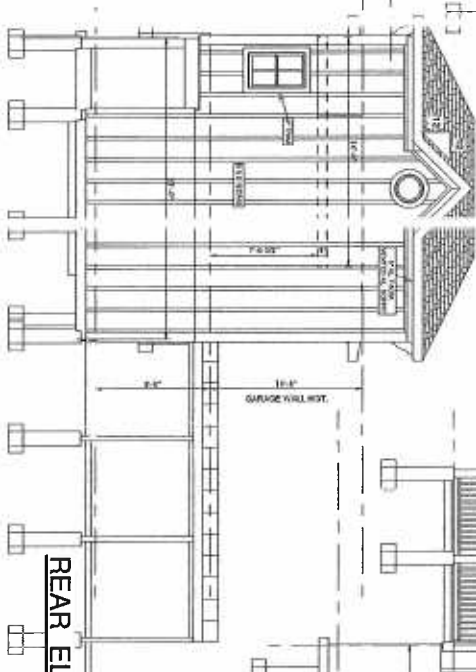
Scale: 1/8"=1' (1x17 Sheet)  
Coils: 1/4"=1' (24x30 Sheet)

table: 1/8" x 1" (11x17 Cheat)
table: 1/8" x 1" (2x2x3 Cheat)

<b>CLIENT:</b>	<b>BELLA VITA CAFE</b>
	BARABOO, WI
<b>SHEET TITLE:</b>	<b>ELEVATIONS</b>

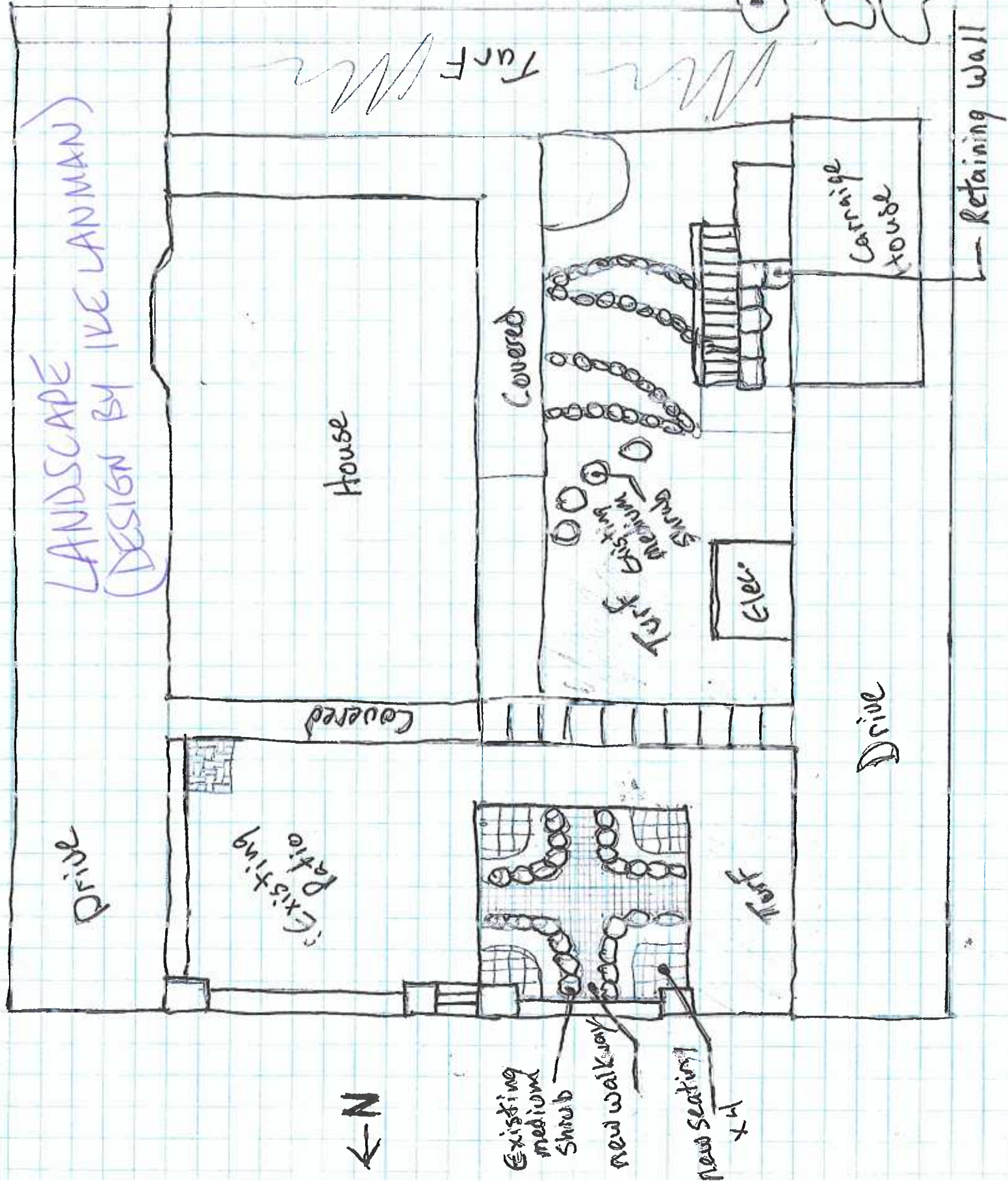
**DRAWING INDEX**

- A-1 TITLE PAGE
- A-2 GENERAL NOTES
- A-3 FOOTING & FLOOR PLAN
- A-4 ELEVATIONS
- A-5 SECTION
- A-6 DETAILS

<b>DATE:</b>	10/20/11
<b>DESIGNER:</b>	J. J. J. J.
<b>CHECKED:</b>	J. J. J. J.
<b>DATE:</b>	10/20/11

<b>DATE:</b>	10/20/11
<b>DESIGNER:</b>	J. J. J. J.
<b>CHECKED:</b>	J. J. J. J.
<b>DATE:</b>	10/20/11

LANDSCAPE  
(DESIGN BY IVE LANMAN)



← N









(102) SIDE-BY-SIDE SINGLE FAMILY ATTACHED DWELLINGS. A duplex building containing two dwelling units, each having its own independent outside access, with no other dwelling units located directly above or below it, and having a shared wall in common with one adjacent similar dwelling unit.

**17.22 R-3 THREE- AND FOUR- FAMILY RESIDENTIAL DISTRICT.** (1652 09/14/92, 2250 04/10/07, 2446 08/23/16)

(1) PURPOSE. The R-3 One through Four Family Residential District is established to protect the integrity of the residential areas by prohibiting incursion of incompatible nonresidential uses, to maintain compact residential development around the existing urban-residential areas, to locate this zone in areas without a severe soil limitation for urban development with public sewers, and to locate residences of one through four families. This district is for medium-density residential use. It is appropriate to use this district as a transitional land use between low- and high-density residential districts, and residential and commercial districts.

(4) CONDITIONAL USES. (2509 02/26/19)

(v) Side-by-Side single family attached dwellings. [See §17.37(9)] (2257

**17.37 CONDITIONAL USE REVIEW AND APPROVAL.** (1982 07/27/99; 2376 04/10/2012

(9) SIDE-BY-SIDE SINGLE FAMILY ATTACHED DWELLINGS. When permitted in a zoning district, side-by-side single family attached dwellings shall be a conditional use. Such dwellings shall be attached structures not exceeding two single family dwelling units with one common wall and lot line. (2250 04/10/07, 2257 05/22/07)

(a) No conditional use shall be granted for such dwellings unless all of the following pre-conditions are met:

1. Each unit maintains a minimum lot of 33 feet in width throughout the required lot area.
2. All building code, fire prevention, minimum lot size (for the combined lots), and lot line setbacks shall apply.
3. The lots for the side-by-side single family attached dwellings shall be created by a certified survey map.
4. The dwellings are separated by a one-hour firewall extending from the basement to the roof of the dwellings.
5. The dwelling contains not more than two single family dwelling units and share a single common wall and lot line.
6. At a minimum, the following terms and restrictive covenants are incorporated so as to apply to the property and be a part of the chain of title to the property:

**Article 1 – Definitions** - For the purpose of this Declaration, the following terms shall have the meanings here ascribed to them:

1. “Living Unit” shall mean and refer to any portion of a residence building situated upon the Properties designed and intended for use and occupancy as a residence by a single family.



2. **“Lot” shall mean and refer to any portion of land in the Properties upon which a Living Unit is situated, whether or not the same is a platted lot.**
3. “Owner” shall mean and refer to the record owner, whether one or more persons or entities, of a fee simple title to any Lot which is a part of the Properties, including contract sellers and vendees, but excluding those having such interest merely as security for the performance of an obligation, and excluding those having a lien upon the property by provision or operation of law.
4. “Properties” shall mean and refer to the real property hereinbefore described.
5. “Zero (0) Lot Line” means side by side single family attached dwelling.

## **Article II – Shared Walls**

1. General Rules of Law to Apply. Each wall which is built as part of the general construction of any Living Unit upon the Properties and placed on the dividing line between two Living Units shall constitute a party wall and to the extent not inconsistent with the provisions of this Article, the general rules of law regarding party walls and of liability for property damage due to negligent or willful acts or omissions shall apply thereto. Whenever improvements abut on the common boundary line between adjoining units there shall be a one-hour firewall running from the lowest floor level, including the basement if it is the common wall, to the underside of the roof sheathing. Such basement wall, if any, shall be waterproofed masonry.
2. Shares of Repair and Maintenance. The cost of reasonable repair and maintenance of each party wall shall be shared by the Owners in equal share.
3. Destruction by Fire or Other Casualty. If a party wall is destroyed or damaged by fire or other casualty or by physical deterioration, any Owner who has used the wall may restore it, and shall have an easement over the adjoining Living Unit for purposes of making such restoration, and if other Owners thereafter make use of the wall they shall contribute to the cost of restoration thereof in proportion to such use without prejudice, however, to the right of any such Owner to call for a larger contribution from other Owners under any rule of law regarding liability for negligent or willful acts or omissions.
4. Weatherproofing. Notwithstanding any other provision of this Article, any Owner who by his negligent or willful act, causes any party wall to be exposed to the elements or excessive heat or cold shall bear the whole cost of furnishing the necessary protection against such elements or heat or cold, and of repairing the party wall from damages caused by such exposure.
5. Right to Contribution Runs with Land. The right of any Owner to contribution from any other Owner under this Article shall be appurtenant to the Lot and shall pass to such Owner’s successors in title.
6. Arbitration. In the event of any dispute arising concerning a party wall, or under the provision of this Article, each party shall choose one arbitrator and such arbitrators shall choose one additional arbitrator, and the decision of a majority of all the arbitrators shall be final and conclusive of the question involved. If either party refuses or fails to promptly appoint an arbitrator, the same may be appointed by any Circuit Judge of Sauk County, Wisconsin. Arbitration shall be in accordance with the rules of the American Arbitration Association.
7. Encroachment. If any portions of a Living Unit or any Lot shall actually encroach upon any other Lot, or if any such encroachment shall hereafter arise because of settling or shifting of the building or other

cause, there shall be deemed to be an easement in favor of the Owner of the encroaching Living Unit to the extent of such encroachment so long as the same shall exist.

8. Construction Liens. Each Owner of a Living Unit ("Defaulting Owner") agrees to indemnify and hold harmless the Owner of an adjoining Living Unit for any construction liens arising from work done or material supplied to make repairs or replacements for which the Defaulting Owner is responsible.

### **Article III – Other Provisions Governing Relationship Among Owners of Adjoining Living Units**

1. Insurance – Replacement/Construction. Each Owner shall maintain fire and extended coverage insurance on his Living Unit in the full replacement/construction cost thereof, and shall, in the event of damage to or destruction of his Living Unit, restore it to the condition in which it was prior to the damage or destruction.
2. Maintenance. Each Owner of a Living Unit shall maintain his Lot and the exterior of his Living Unit in good condition and repair and in a clean and neat condition.
3. Architectural Control.
  - (a) The Owner of a Living Unit may replace exterior components of his Living Units with similar components of the same design and color, and may paint the exterior of his Living Unit with paint of the existing color of the exterior, but he may not, either in the course of ordinary replacement or remodeling or restoration after damage or destruction, employ different siding or roofing material or a different color scheme, without the consent of the Owner of the adjoining Unit.
  - b. In the event of any dispute arising concerning a change in siding or roofing material or color scheme, each party shall choose an arbitrator and such arbitrators shall choose one additional arbitrator, and the decision of a majority of all the arbitrators shall be final and conclusive of the question involved. The arbitrator's decision shall be based on their decision of whether the proposed siding or roofing material or color scheme is in harmony with the design of the adjoining Living Unit. If either party refuses or fails to promptly appoint an arbitrator, the same may be appointed by any Circuit Judge for Sauk County, Wisconsin. Arbitration shall be in accordance with the rules of the American Arbitration Association.
4. Easements for Utilities. Each Owner shall have an easement over the property of the other Owner for purposes of maintaining water, sewer, natural gas, telephone, cable TV, and other utilities that may enter the side by side single family attached dwelling from a single source and then branch into each individual family dwelling.

### **Article IV – General Provisions**

1. Enforcement. The Owner of any Living Unit involved shall have the right to enforce, by any proceeding at law or in equity, or both, all of the terms and provisions of this Declaration. Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.

2. Severability. Invalidation of any of these covenants by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect.
3. Amendments. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them in perpetuity unless an instrument signed by a majority of the then Owners of the Lots and the City of Baraboo has been recorded, agreeing to change said covenants in whole or in part.
4. City. Even though this document was made a condition of a conditional use approval to the undersigned, their assignees, or heirs, absolve the City of any and all liability. Further, the under-signed understand the City of Baraboo is not an enforcing agency to any portion of this document.

**(b) When considering whether to grant a conditional use, the Plan Commission shall examine the following factors:**

- 1. The present density of the surrounding neighborhood.**
- 2. Whether the uses, values and enjoyment of other property in the neighborhood will be substantially impaired or diminished.**
- 3. Whether the establishment of the conditional use will impede the normal and orderly development and improvement for uses permitted in the neighborhood.**